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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF APPEALS

Applicant(s):	Feig et al.
Serial No.:	09/654,205
For:	RUN-TIME HYPERVIDEO HYPERLINK INDICATOR OF OPTIONS IN HYPERVIDEO PLAYERS
Filed:	September 1, 2000
Examiner:	Truc T. Chuong
Art Unit:	2179
Confirmation No.:	6298

Customer No.:27623 Attorney Docket No.: YO999-487

Mail Stop Appeal Brief-Patents
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

We are enclosing for filing in the above-identified application the following:

1. Appellant's Appeal Brief *(in triplicate)*;
2. Transmittal letter in duplicate; and
3. Postcard.

The Commissioner is authorized to charge the fee of $500.00 and any additional fees or credit any such fees, if necessary to Deposit Account No. **50-0510** in the name of International Business Machines. A duplicate copy of this sheet is attached.

Respectfully submitted,

September 14, 2006
Date

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP APPEAL BRIEF-PATENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON September 14, 2006.

Ruth J. Olivo		September 14, 2006
NAME	SIGNATURE	DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Ephraim Feig
Serial No.:	09/654,205
For:	RUN-TIME HYPERVIDEO HYPERLINK INDICATOR OF OPTIONS IN HYPERVIDEO PLAYERS
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Customer No.:	27,623

Attorney Docket No.: YO999-487

APPEAL BRIEF FILED UNDER 35 U.S.C. §134

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is herewith filed under 35 U.S.C. §134 and in accordance with the provisions of 37 C.F.R. §41.37(a), and is believed to comply with the requirements set forth in 37 C.F.R. §41.37(c). The claims on appeal are set forth in an Appendix, included herewith.

The Notice of Appeal was mailed on June 26, 2006 and the Notice of Panel Decision from Pre-Appeal Brief Review was mailed on August 14, 2006. As such, no petition or fee for an extension of time is required to file this Appeal Brief. However, should the undersigned attorney be mistaken,

please consider this to be a petition for any required extension of time, and please then also charge Deposit Account No. 50-0510 for the required fee. Likewise, the Commissioner is hereby authorized to charge Deposit Account No. 50-0510 for any required fee not submitted herewith, or submitted incorrectly, so as to maintain the pendency of the above-identified patent application.

(1) Real Party in Interest

The real party in interest is International Business Machine Corporation.

(2) Related Appeals and Interferences

The undersigned attorney is not aware of any related appeals or interferences.

(3) Status of the Claims

Claims 1, 3-6, 8-11, 14, 15 and 17 are pending in this application, and are the subject of this Appeal.

In an Office Action mailed March 24, 2006 (hereinafter "the Office Action"), the Examiner made final his rejection of claims 1, 3-6, 8-11, 14, 15 and 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,000,242 to Haber (hereinafter "the Haber patent"), in view of M. Brown, Using Netscape 2, 1995, page 167 (hereinafter "Brown"). The rejected claims can be found below in an Appendix.

(4) Status of Amendments

No amendments to claims 1, 3-6, 8-11, 14, 15 and 17 were proposed subsequent to final rejection.

(5) Summary of Claimed Subject Matter

This Summary makes reference to Figure 9. This Fig. 9 is provided below, at the end of the Summary. Claims 1, 3-6, 8-11, 14, 15 and 17 are primarily directed to a method for indicating the location of time dependent video hypervideo hyperlinks to a user, comprising the steps of: displaying a video presentation via a hypervideo system 700 on at least a portion of a display device screen 740, the video presentation including a hypervideo hyperlink emphasis region; and providing the user, at time of viewing, with at least one user selectable display attribute for said hypervideo hyperlink emphasis region, wherein at least one of said user selectable display attribute comprises at least one of displaying said hypervideo hyperlink emphasis region in gray scale only format, and displaying said hypervideo hyperlink emphasis region in reverse-color mode format.

Fig. 9 depicts a block diagram of a hypervideo system 700 embodying the present invention for displaying hypervideos, including the hypervideo hyperlink emphasis regions encoded in the hypervideo. The hypervideo display system 700 comprises a display processor 720 that processes the hypervideo 730, a user interface 710 and a display device 740. The display processor 720 processes the hypervideo data file and the associated video comprising the hypervideo 730 so that the display device 740 can present a display of the hypervideo for viewing by a user of the hypervideo system 700. Processing of the hypervideo 730 may further include processing the hypervideo file by integrating the video file and hypervideo data file comprising the hypervideo file. The display processor 700 also provides user selectable hypervideo hyperlink display attribute options based on the hypervideo data file information encoded in the hypervideo 730 processed by the display processor.

Also provided in the hypervideo display system 700 is a display device 740 for displaying the processed hypervideo of display processor 720. The display device 740 may be a computer monitor or screen but is not limited to being a computer monitor or screen. The display device may comprise a LCD type display, a television (including, but not limited to high definition television), a personal digital assistant screen, a mobile phone screen, etc.

The user interface 710 enables a user of the hypervideo system 700 to selectively activate at least one user selectable display attribute for the hypervideo hyperlink emphasis regions presented on the display 740. The user may selectively specify the display attributes of the hypervideo hyperlink emphasis regions displayed, at the time of viewing, by the display device 740. The user interface may be a GUI but is not limited to being a GUI-type of interface.

(6) Grounds of Rejection to be Reviewed on Appeal

The issue presented for review is the propriety of the Examiner's final rejection of claims 1, 3-6, 8-11, 14, 15 and 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,000,242 to Haber (hereinafter "the Haber patent"), in view of M. Brown, Using Netscape 2, 1995, page 167 (hereinafter "Brown Article").

(7) Argument

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

(a) Claims 1, 3-6, 8-11, 14, 15 and 17 stand or fall together.

Claims 1, 3-6, 8-11, 14, 15 and 17 are pending in the present application. Claims 2, 7, 12, 13 and 16 were previously cancelled.

Claims 1, 3-6, 8-11, 14, 15 and 17 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 7,000,242 to Haber, hereinafter "Haber", in view of M.

Brown, *Using Netscape 2*, 1995, page 167, hereinafter "Brown". Applicants respectfully traverse this rejection.

Claim 1 provides a method for indicating the location of time dependent video hypervideo hyperlinks to a user. The method includes displaying a video presentation, including a hypervideo hyperlink emphasis region, on at least a portion of a display device screen, and providing the user, at time of viewing, with at least one user selectable display attribute for the hypervideo hyperlink emphasis region. The at least one of the user selectable display attribute includes at least one of: displaying the hypervideo hyperlink emphasis region in gray scale only format, and displaying the hypervideo hyperlink emphasis region in reverse-color mode format.

Haber discloses a system for providing video content to a user, including a host server 205 that provides video content to the client, and contains any number of products available for purchase (col. 4, lines 17-20). The host server 205 also retrieves website content that includes specific product information about each product (col. 4, lines 20-25). A video server 210 accesses a content database 211 which contains video content, images which correspond with the video content, and hypertext links which correspond with each of the images that are retrieved by video server 210 as the video content is played (col. 4, lines 36-41). Each video content is associated with a number of images, and each of these images corresponds with a single segment of associated video content (col. 4, lines 45-47). The images may include an image map which is segmented into a number of areas such that a different item or product is featured or positioned in each area of the image map (col. 4, lines 53-56). Each area of the image map is then anchored with an associated hyperlink, so that a single image will have a number of products featured in the image, each product positioned in an area of the image map and anchored to a hyperlink (col. 4, lines 56-60).

A webpage generated by host server 205 includes several main areas (col. 5, lines 52-57). A first area is the video content area 305, which displays the video content (col. 5, lines 57-60). A second area is the image area 310, which displays the image which corresponds with the segment of the video content currently being displayed in the video content area 305

(col. 6, lines 4-7).

In one example, an image has five different products PRO1-PRO5 available for purchase and featured in the corresponding segment of video content (col. 6, lines 17-20). The image is embedded with an image map which defines the shape and size of each of the areas in which the products are located in the image, and each region is anchored to an associated hyperlink which links to a corresponding sponsor website where information about the item featured in that area is available (col. 6, lines 21-27).

Haber thus discloses a display that plays video content and separately displays a still image associated with the video. The **still image includes hyperlinks** to specific products featured in the video and on the image. Haber thus only discloses displaying a hyperlink on the still image, and **does not disclose a hyperlink or other emphasis region within the video display itself**. Furthermore, although Haber allows a user to select colors of featured products linked by a hyperlink, Haber **does not disclose or suggest any capability to adjust the visual attributes of the hyperlinks themselves**. Also, as admitted by the Office Action, Haber does not disclose or suggest displaying a hyperlink region in a gray-scale or reverse-color format.

Brown simply discloses that hyperlinks on a web page can be configured to have different colors. **Brown does not disclose or suggest that such links be provided within a video display region**. Furthermore, although Brown discloses that different colors may be selected for hyperlinks, Brown **does not disclose or suggest that such hyperlinks can be displayed in a gray-scale or reverse-color format**. Brown's teaching of selectable colors provides no guidance regarding what types of colors should be used and whether the emphasis region colors should have any relationship to the colors of the surrounding video. Brown does not suggest that the hyperlink colors have any relationship to their background, which would occur in a gray-scale or reverse-color format. Simply providing emphasis regions having selected colors, as the Final Office Action contends is suggested by Brown, would not ensure that the colors are sufficiently distinct from the surrounding video so that the emphasis region can be clearly seen.

Therefor, Haber and Brown, whether considered alone or in combination, do not disclose or suggest at least "displaying a video presentation on at least a portion of a display device screen, said video presentation including a hypervideo hyperlink emphasis region . . . wherein at least one of said user selectable display attribute comprises at least one of displaying said hypervideo hyperlink emphasis region in gray scale only format, and displaying said hypervideo hyperlink emphasis region in reverse-color mode format," as recited in claim 1. Thus, Haber and Brown do not disclose or suggest the elements of claim 1. Accordingly, claim 1 is patentable over the cited combination of Haber and Brown.

Independent claims 6, 11 and 15 include recitals similar to those provided in claim 1. For at least reasoning similar to that provided in support of the patentability of claim 1, claims 6, 11 and 15 are patentable over the cited combination of Haber and Brown.

Claims 3-5 depend from claim 1, claims 8-10 depend from claim 6, claim 14 depend from claim 11, and claim 17 depends from claim 15. For at least reasoning similar to that provided in support of the patentability of claims 1, 6, 11 and 15, claims 3-5, 8-10, 12 and 17 are also patentable over the cited combination of Haber and Brown.

In view of the foregoing arguments, Appellant respectfully requests that the Board of Appeals reverse the final rejection of claims 1, 3-6, 8-11, 14, 15 and 17 under 35 USC 103(a) as being unpatentable over Haber in view of Brown, thereby enabling all of the pending claims to be allowed.

Respectfully submitted,

9/14/06
Date

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(8) Claims Appendix

The claims on appeal are set forth below.

1. A method for indicating the location of time dependent video hypervideo hyperlinks to a user, comprising the steps of:

displaying a video presentation on at least a portion of a display device screen, said video presentation including a hypervideo hyperlink emphasis region; and

providing the user, at time of viewing, with at least one user selectable display attribute for said hypervideo hyperlink emphasis region,

wherein at least one of said user selectable display attribute comprises at least one of displaying said hypervideo hyperlink emphasis region in gray scale only format, and displaying said hypervideo hyperlink emphasis region in reverse-color mode format.

3. The method of claim 1 further comprising the step of displaying to the user, at the time of viewing, an options menu listing said at least one user selectable display attributes, wherein said displaying of said options menu is selectively controlled by the user.

4. The method of claim 3 wherein the user selectively controls the displaying of said options menu by positioning a user-controlled cursor in a specified emphasis region of said display device screen.

5. The method of claim 1 further comprising the steps of:

opening a hypervideo data file;

decoding a video file associated with said hypervideo data file; and

encoding the decoded video file with a hypervideo hyperlink emphasis region in at least one key frame.

6. A hypervideo player system for indicating hypervideo hyperlinks to a user, comprising:

a display processor for processing a hypervideo, said hypervideo comprising video and hypervideo hyperlink data, including at least one hypervideo hyperlink emphasis region, encoded therein, and said processing comprises determining the display location of said at least one hypervideo hyperlink emphasis region;

a user interface for enabling a user of said hypervideo display system to selectively activate, at the time of viewing, at least one user selectable display attribute for said hypervideo hyperlink emphasis region; and

a display device for displaying said processed hypervideo,

wherein at least one of said user selectable display attribute comprises at least one of displaying said hypervideo hyperlink emphasis region in gray scale only format, and displaying said hypervideo hyperlink emphasis region in reverse-color mode format.

8. The hypervideo display system of claim 6 wherein said display processor further processes said hypervideo to provide the user, at the time of viewing, an options menu listing at least one of said at least one user selectable display attribute.

9. The hypervideo display system of claim 8 wherein the user selectively controls the displaying of said options menu by positioning a user-controlled cursor in a specified emphasis region of said display device.

10. The hypervideo display system of claim 6 wherein said processing of said hypervideo by said display processor further comprises opening a hypervideo data file, decoding a video file

associated with said hypervideo data file and encoding said decoded video file with said hypervideo hyperlink emphasis region in at least one key frame.

11. A method for indicating the location of time dependent hypervideo hyperlink emphasis region to a user, comprising the steps of:

displaying a video presentation on at least a portion of a display device screen, said video presentation including a hypervideo hyperlink emphasis region;

providing the user, at time of viewing said video presentation, the option of selectively viewing said hypervideo hyperlink emphasis region or not viewing said hypervideo hyperlink emphasis region; and

providing the user, at time of viewing, with at least one user selectable display attribute for said hypervideo hyperlink emphasis region,

wherein at least one of said user selectable display attribute comprises at least one of displaying said hypervideo hyperlink emphasis region in gray scale only format, and displaying said hypervideo hyperlink emphasis region in reverse-color mode format.

14. The method of claim 11 wherein the user selectively controls the displaying of an options menu for said at least one user selectable display attribute by positioning a user controlled cursor in a specified emphasis region of said display device screen.

15. A computer readable program embodied on a storage media comprising program instructions for indicating the location of time dependent hypervideo hyperlink emphasis region of a hypervideo to a user, said storage media comprising:

program instructions for displaying a video presentation on at least a portion of a display device screen, said video presentation including a hypervideo hyperlink emphasis region;

program instructions providing the user, at time of viewing said video presentation, the option of selectively viewing said hypervideo hyperlink emphasis region or not viewing said hypervideo hyperlink emphasis region; and

program instructions for providing at least one of said user selectable display attribute comprising at least one of displaying said hypervideo hyperlink emphasis region in gray scale only format, and displaying said hypervideo hyperlink emphasis region in reverse-color mode format.

17. The storage media of claim 15 further comprising program instructions for providing the user selective control of the displaying of an options menu for said at least one user selectable display attribute by positioning a user controlled cursor in a specified emphasis region of said display device screen.

(9) Evidence Appendix

None.

(10) Related Proceedings Appendix

None.

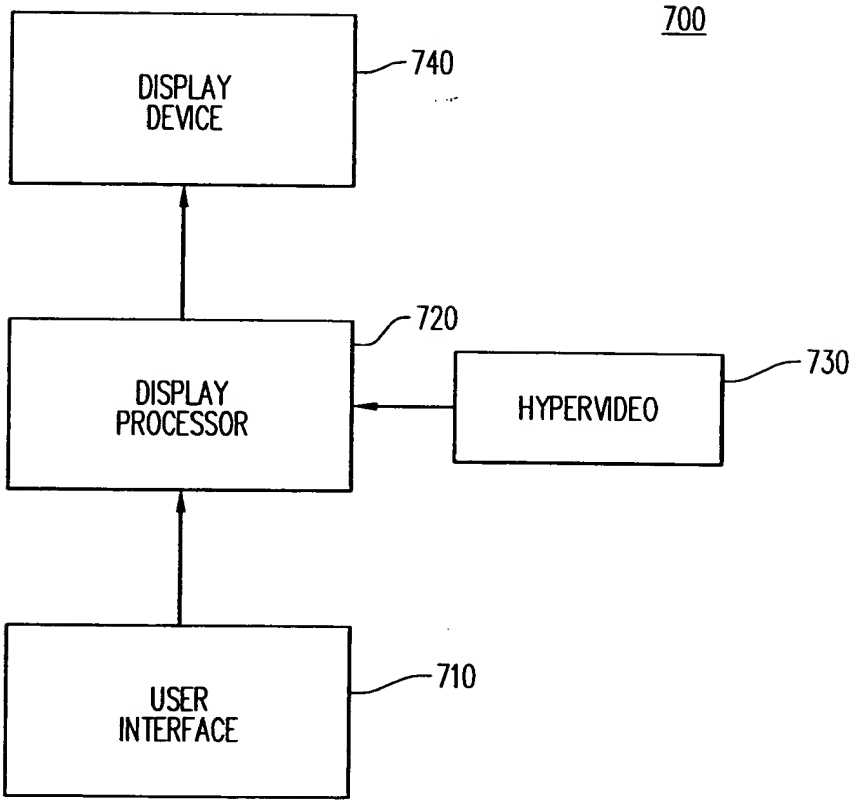

FIG. 9